D E B E V O I S E & P L I M P T O N L L P

919 Third Avenue
New York, NY 10022
Tel   212 909 6000
Fax 212 909 6836
www.debevoise.com

July 20, 2012

The Honorable Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East, Room N406
Brooklyn, NY 11201

Boda v. Detective Phelan, New York City, B.M. (Index No. 11-cv-28)

Dear Judge Matsumoto:

We represent Defendant B.M. in the above-captioned matter. We write, with consent of all parties, to provide a joint status update as to the deposition of B.M.'s daughter, H.B., and a proposed briefing schedule on the defendants' respective motions for summary judgment, as requested by the Court's June 18, 2012 Minute Order.

As an initial matter, there have been no new developments with respect to the deposition of H.B. since the last joint status update provided by Assistant Corporation Counsel Matthew Modafferi on June 14, 2012. (Counsel for H.B. submitted a letter to Magistrate Judge Gold on May 24, 2012 stating that H.B. planned to invoke her Fifth Amendment privilege during any deposition in this matter.)

Further, Defendant B.M.'s motion to amend her Answer will not be fully briefed until July 27, 2012. A decision concerning B.M.'s amended answer is necessary in order for her to adequately address plaintiff's claims on summary judgment.

With these issues still pending, the parties are reluctant to propose dates for summary judgment briefing schedules at this time. Accordingly, the parties respectfully request an enlargement of time to provide the Court with a proposed briefing schedule for defendants' motions for summary judgment until after these issues are decided. Should Your Honor permit, the parties are willing to apprise the Court as to the status of H.B.'s deposition in 30 days.

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Respectfully submitted,

/s/ Nicole E. Jacoby

Nicole E. Jacoby
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022
(212) 909-6000
njacoby@debevoise.com

cc: Judge Steven M. Gold
        Tamara M. Harris
        Matthew Modafferi
        Deborah Austern Colson
        Justine A. Harris